

Absentee voting by disabled voters  
(SB 512 by Lyon/Aiken)

DIGEST: SB 512 would have altered eligibility requirements for late mail-in absentee voting by disabled voters. The requirement that an illness or disability originate on or after the day before the last day for submitting an application for a mail-in absentee ballot would have been replaced. The new requirement would have been that the certification of disability or illness by a licensed physician, chiropractor or Christian Science practitioner be made by that time. The current certification requirement would have been amended to require a statement that a sickness or physical condition precluded a voter's personal appearance at the polling place on or after a particular date.

GOVERNOR'S  
REASON  
FOR VETO:

This bill would facilitate vote fraud by unreasonably loosening the eligibility requirements for absentee voting and lengthening the time period for absentee voting to an unwarranted extent, said the governor.

AUTHOR'S  
VIEW:

Sen. Ted Lyon said the governor "is either confused or misinformed because it (the bill) doesn't do what he says it does." The bill simply allows mail-in voting by people who are sick just before the election but whose illnesses or disabilities did not originate during the "window period" in current law. It would not loosen eligibility requirements significantly nor would it lengthen the period of absentee voting except for a small number of people who would become eligible for the late mail-in procedure.

Sen. Lyon said he hopes Gov. Clements was not influenced by the knowledge that the bill was filed in response to the experience of former Gov. Mark White's father, who had pneumonia and left his sickbed to vote in the last general election. He was not eligible under current law to vote a late absentee mail ballot. "It's certainly highly suspicious when you have a bill that really doesn't do that much and he's talking about voter fraud. I thought it was pretty overreaching to suggest that."

The House sponsor, Rep. Bob Aiken, said, "It's a sad day for all Texans when Bill Clements finds it

necessary to deny voting rights to the ill, elderly and disabled just to give a personal slap to Mark White."

NOTES:

The application deadline for mail-in absentee voting is seven days before the election, so under current law an illness or disability must originate eight or fewer days before the election to qualify a voter for the late absentee voting procedure.

The House Research Organization analysis of SB 512 appeared in the May 27, 1987 Daily Floor Report.